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ABSTRACT

Within the academy the commonly held definition of plagiarism--using another's words, ideas, or stylistic individuality without attribution--is widespread, appearing on most English course syllabi. Judicial guidelines are followed: neither stealing nor ignorance of the law is to be sanctioned. Furthermore, penalties for students can be severe: a plagiarist may be branded guilty of academic misconduct and dismissed from the university. But a closer look reveals that the reaction to plagiarism often depends on the plagiarist's status. Within the classroom plagiarism cases are often handled situationally, after first attempting to determine the moral basis of the action, whether it was prompted by malice or ignorance. But how plagiarism is defined in the work of faculty and administrators became central in two separate instances which occurred in a university English department. One case involved a tenure decision in which the candidate presented myriad examples of uncited work, words, and ideas readily found in the literature dealing with her subject. The second case involved a candidate for a position, who during her presentation to the faculty peppered her talk with private, sensitive data obtained surreptitiously. The final decision was to disassociate with both candidates, but the process was convoluted. A faculty poll a year later revealed that tolerance of plagiarism was less accepted and more stringently disapproved with the increasing status of the violator. For example, 90% of the faculty respondents made no distinction between plagiarism at the undergraduate and professional level; 97% indicated an administrator had no right to use someone else's information without citation. (Faculty questionnaire is attached.) (NKA)

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# THE ETHICS OF PLAGIARISM



"Ethics" and "plagiarism," when linked, at first glance appear antithetical. "Ethics" generally is used to indicate a rhetor's character, honor, or authority while "plagiarism" with its roots resting in the Latin word *plagiarius*, meaning kidnapper, implies dishonesty of character, one who willfully steals another's work and purports it to be his own. By extension, the very concept of an ability to steal another's words implies that words connected in a particular way, as text, drama, or vocal production, are recognized as the exclusive property of the author, a creation worthy of ownership, a right which can be legally protected. While this moral premise, early alleged by the Roman poet Martial, rests in antiquity (Howard 790), legal codification of this idea is relatively recent, marking the move from patronage to entrepreneurship of the artist. Authorial ownership was formally acknowledged by England's 1710 Statute of Anne and with the 1790 copyright laws of the United States (Howard 790). While US federal copyright laws protect immediately upon fixation, or completion of a work, filing a federal copyright registration at least three months prior to publication enhances the author's claim to both actual and statutory damages for infringement (Copyright Registration 1). Claims brought under this protection are not unusual as is seen with the cases of Eiteman v. Shapiro (Daily Trojan, Apr. 1, 1997), Bray v. Oates (*Chronicle of Higher Education* (Dec. 12, 1990) and Brigham

CS216467

Young University v. Orden (*Chronicle of Higher Education* (March 2, 1998). Within the academy the commonly held definition of plagiarism, using another's words, ideas, or stylistic individuality without attribution, is widespread, appearing in most handbooks and on nearly every English course syllabus. Along with this definition, two reasons are posited as impetus of plagiarism: deliberate deception of the reader or ignorance of conventions of citation, both pejorative references to the ethos of the plagiarist. In response to the act of plagiarism, the academy defers to judicial guidelines: neither stealing nor ignorance of the law is to be sanctioned. Furthermore, penalties for engaging in such practice can be severe: a plagiarist may be branded guilty of academic misconduct, the action may be noted on the transcript, and the student may be dismissed from the University. But a closer look reveals that in practice, if not in theory, academics as well as those outside the university often present a more subtle and less clear cut reaction to plagiarism.

Within academe the reaction to plagiarism often depends on status of the plagiarist. For undergraduate students, most particularly developmental through sophomore levels, our response to plagiarism sends a mixed message. On the one hand we traditionally profess that intentional plagiarism is an abhorrent act, academic misconduct which can result in expulsion from the university. In practice, however, this is generally true only in theory as we are challenged by Postmodern and post-formalist questioning of the very possibility of autonomous authorship, the use of "patchwriting" as a means of dealing with unfamiliar texts, advocacy of collaborative production of text, non-western cultural reverence for original authority, and "voice-merging" practices of the African-American

community that considers all discourse as "communal wealth" to be appropriated for individual use without attribution (Howard 792). Within the classroom cases of plagiarism are often handled situationally, after first attempting to determine the moral basis of the action, whether it was prompted by malice or ignorance. For example, responses to a questionnaire distributed to my colleagues in the fall of 1997 revealed that more than half, fifteen of twenty-nine, of the instructors faced with cases of plagiarism asked for a rewrite of the paper rather than imposing the University-required "F" for the course. Furthermore, the same material that may theoretically be punished by an "F" in an individually produced essay by an undergraduate may be tolerated, even encouraged, in peer review or collaboratively produced work. Thus, in such cases our work as writing instructors appears to have shifted from being judges of the production of writing to being judges of character.

Beyond the students' realm, however, the question of plagiarism in the academy becomes even more murky. Specifically, how is plagiarism defined in the work of faculty and administrators? Whose authority is to be credited in a proposal produced by a committee? When a dean asks a faculty member to write a report that is then passed in tact to the provost, has the dean committed plagiarism? When a faculty member publicly presents confidential documents that are to appear in subsequent research of another, has plagiarism, rather than merely a breach of confidence, been committed? Is the faculty member whose uncited work is clearly based on another's work guilty of plagiarism? Within the university, do faculty and administrators deem the authority of

authorship creative or simply hierarchial?

These questions became central to our department in two separate instances that occurred within a few months of each other. The first case involved a tenure decision in which a faculty member with a specialty in Composition and Rhetoric submitted four articles and a monograph--already accepted by a publisher--based on her dissertation. All involved myriad examples of uncited work, words, phrases, and ideas readily found in the literature dealing with her subject. These lapses were blatant enough to be noted and questioned by three of her four external reviewers, the faculty, the Promotion and Tenure Committee, and the Dean of the School. Ironically, one external evaluator, a well-known national figure whose own work was the source of some of the plagiarism, ignored the problem and supported the candidate's bid for tenure. The second case involved a candidate applying for a position, who during her presentation to our faculty peppered her talk with private, sensitive data she had obtained surreptitiously and had, according to her own account, agreed not to release prior to its publication.

In both instances, the faculty faced decisions that ultimately revolved around their understanding of and resolve about the relationship between ethos and plagiarism. The final decision was to disassociate with both candidates: tenure was denied to the first, no job offer was extended to the second. Coming to those decisions, though, took different, often convoluted tacts. Perhaps because the tenure applicant had been a congenial colleague for several years, the decision in this case was a difficult, painful one. On

reflection, the collegial relationship rather than the definition of and reaction to plagiarism appeared to be the crux of the difficulty. The sense of betrayal engendered by her actions seemed not merely a breach of academic integrity, but also seemed a personal affront to those who had welcomed her into our department and supported her work. That her work violated the traditional definition of plagiarism was not in question; the import of this action and the appropriate response were, however, not as easily agreed upon. The faculty discussions about the consequences of the plagiarism centered on two ethical issues: first, as a composition/rhetoric specialist could this teacher effectively instruct undergraduate students about plagiarism when she was routinely violating the recognized boundaries in her own work. In short, would her hypocrisy, her ethical lapses, invalidate her role in the classroom. Second, did the university, whose name would be identified with this author, have an obligation to inform the publisher who had accepted the plagiarized monograph of its copyright violations? Focusing on the teacher's effectiveness as a role model somewhat skewed the discussion from the rightness/wrongness of the plagiarism itself; rather the question veered toward the relationship between instructor and student, what P.J. Corbett refers to as the "pedagogical ethos" of teaching:"the set of values--intellectual or cultural or moral values--that a teacher can convey to the students. Teachers should exemplify values, not harangue their students about them" (4). To adequately address this question, the faculty members sitting in judgment had to consider, as they are asked to do with undergraduates, whether the plagiarism was based on ignorance or on malice. At first blush this seems a naive question, considering the teacher had both a terminal degree

and a number of years of classroom experience as well as access to departmental, university, and textual explanations of the action and consequence of plagiarism. However, this question must be balanced against other facts: the dissertation which itself contained extensive passages of plagiarized material had been accepted, apparently without question, by a reputable graduate committee of a major university. Articles and a monograph based on this work had either found their way, also unquestioned, into print or had been accepted for future publication. Finally, one author whose own work had been incorporated into these articles, an advocate of the Postmodern position that advocates "patchwriting" plagiarism as a "valuable stage toward becoming an authoritative academic writer" and concludes that "such appropriation is a fundamental part of language use, even as the appearance of our texts belies it" (Rose qtd. 788 CE) uncritically supported the textual production. Curiously, no decision about the basis of the plagiarism was ever reached even though either case, ignorance or malice, could have been reasonably supported. Rather, the faculty reached the conclusion that the teacher *should* have known the difference, that she had the obligation to inform herself about this issue. Further, even taking the more lenient Postmodern position of this activity marking a "stage toward becoming an authoritative academic writer" (Howard 788) indicated that the teacher had not yet reached the stage of an independent author, had not achieved the autonomy of the "authoritative academic writer." The apparent ignorance, coupled with evidence of lack of an individual voice, rather than the possibility of malice, was the turning point of the decision to find the faculty member unsuited to continue in the classroom. Making this decision had the corollary benefit of reducing the

imperative of informing the publisher about the plagiarized monograph since it would no longer be associated with the university's name. The same line of reasoning determined that the publisher had an obligation to satisfy himself of the nature of the work, that the university had no duty to correct his ignorance applied. While the faculty was consistent in its reasoning and resolved two problems in a manner that appeared logically satisfactory, it nevertheless avoided most of the incisive issues currently swirling around the question of individual authorship.

The second case of the candidate's indiscreet revelations, closely following on the first situation, solicited a less generous, if no less intense, response from the faculty. Again, I suspect it was the perceived relationship--or in the lack of relationship--between the candidate and faculty that influenced the discussion. Because there was no history of personal involvement, no sense of betrayal on an individual basis, the act itself as it revealed the character of the person took precedence. Since the candidate readily admitted that she was violating a confidence, there was no question of her action resulting from ignorance. She was fully aware of the moral dilemma she posed. The question, then, became one of scrutinizing her action. The faculty's later discussion focused on two primary aspects of the action: its rightness or wrongness and whether or not such action was common practice, the "community practices which may overlap into the academy" (Howard 793). No one disagreed that disclosing someone else's confidential work violated an obligation of privacy or that the action could be sanctioned

as an example of academic integrity. Many, however, noted that this is a common practice, particularly in conferences where unpublished research under consideration often finds its way into subsequent articles of those uninvolved in the original project. Does this practice, however widespread, justify the original violation? Does unpublished work carry the same right of ownership as completed work protected by copyright laws? While the answers to these questions seem to be negative, only fixation is legally upheld, the ethical implication is a quantitative rather than qualitative one: if it is wrong to steal a finished work, it follows that it is also wrong to steal work in progress. So, titillating as the information might have been, the faculty was left with the conclusion that its dissemination revealed a flawed character, a candidate prone to unethical lapses, a person we chose not to extend an offer to.

A year or so after these instances, I polled faculty members about their views on plagiarism, curious to know if the considerations of these ethical questions had produced an enduring change on the faculty. The result, compiled in the distributed handout, revealed that while their basic definition of plagiarism continues to be a traditional one echoing the illicit use of words, phrases, and stylistic individuality of another, its tolerance is less accepted and more stringently disapproved with the increasing status of the violator. This is diametrically opposed to the usual practice noted in the literature of holding undergraduates responsible for ethical lapses, to the point of dismissal from the academy, while extending more generosity to colleagues charged with the similar action as was seen in such well known cases as the questions of plagiarism raised about the

work of Martin Luther King. For example, 90% of the faculty respondents made no distinction between plagiarism at the undergraduate and professional level; 97% indicated an administrator had no right to use someone else's information without citation, and 83% declared it wrong in all instances for a speaker to disseminate information without citation, with an additional 14% concluding the action was wrong only if money had exchanged hands. This contrasts with only 16% of the faculty who found collaborative writing or unacknowledged extensive contributions from a parent or tutor to be unacceptable for undergraduates. Fewer than half of those polled were willing to impose severe penalties, failure of the class or academic expulsion, even for those cases of plagiarism they deemed unacceptable.

Drawing conclusions from these experiences and subsequent reflection about them is difficult. On the one hand, it appears obvious that the faculty sees a strong relationship between what it considers plagiarism and its revelation about the ethics of the individual. However, what this means in actual practice is less clear. For an administrator responsible for producing departmental or university plagiarism policies, the inconsistencies require rethinking the whole issue of authorial autonomy as well as the current sanctions recommended for violations of a commonly accepted definition of plagiarism. Perhaps, as Rebecca Howard suggests in her "Proposed Policy on Plagiarism" section of the 1995 *College English* article titled "Plagiarism, Authorships, and the Academic Death Penalty," it is time to incorporate some of the Postmodern views about writing practices we have traditionally referred to as plagiarism and see them not

as ethical violations but a part of the process of moving from developmental to independent authorship (798-802). In this way, we would once again focus on the process of producing writing and of identifying markers which note the development of the writer rather than the character of the person. Once we are satisfied that writers have attained an individual voice, a stylistic individuality that marks their autonomy, then we can focus on and deal with the violations of this principle as true ethical indicators. Until that happens, we will continue to send the mixed messages about the ethics of plagiarism that now mark the profession, messages that leave all of us, students, teachers, and administrators, confused.

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The Ethics of Plagiarism
CCCC 1998
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Questionnaire concerning plagiarism distributed to UAB English faculty, September 1997; 29 responses: full time 17 (50%), part time 12 (30%)

1. How frequently do you teach composition courses?

| | |
|---|---|
| never | 1 |
| once a year | 9 |
| two or more a year | 7 |
| nearly every term | 12 |

2. How do you define plagiarism?

Knowingly using someone's ideas without credit
Using words or ideas without documentation
Use of source material (summary, paraphrase, direction quote) without citation
"Borrowing" of ideas or words without proper documentation: other student's work as well as published material
Taking credit for someone's research, writing, ideas
UAB definition (words/ideas)
Words or ideas of someone else to make them appear your own
Intellectual theft
Presenting as one's own the ideas,data, and/or work of another
Someone else's words, ideas, creation without proper citation
Failing to acknowledge source of any idea not your own
Using, incorporating someone else's work without properly crediting source
Use of other's language and/or ideas without identifying source
Using thoughts or words as if they were your own
Misrepresentation of ideas and/or language as one's own
Using the words or thoughts of another without proper citation
Stealing: representing words or ideas as one's own without regard to authorial intent (no excuses for ignorance)
Use of words, patterns, ideas as one's own when they are actually those of another
Omitted documentation, forgotten quotation marks, papers substantially written or revised by another, borrowed, bought, downloaded, or copied works
Intentional misrepresentation of authorship; insufficient documentation of sources

3. How do you introduce the subject of plagiarism to your students?

Talk about common/specific knowledge
UAB handout, reference in text
Common/specific knowledge
Show examples of incorrectly used summaries, paraphrases, direct quotations
Talk about ethics of writing
Handout, stories, positive pitch for being a community of scholars
Explain how to document; threaten them with "F" in course for plagiarism
Discuss how to use sources, incorporate other's work and credit it
Discuss that it is a hazard they can avoid; don't deal with morality but as a calculated risk they will be taking
Define term, threaten them with consequence, have them sign form they understand the consequences of getting caught
Discuss it emphatically on first day
Definition, examples, case studies, etc.
Show examples of acceptable/unacceptable uses of sources
Define, offer to confer if they are not sure how to use sources
Define, threat by showing consequences, give examples of what it is/is not
Define, outline university penalties if convicted
I mention how the Gates of Hell will open up for those unlucky souls who try it

4. On average, how many instances of plagiarism do you encounter in a writing course during a term?

| | |
|---|---|
| None | 2 |
| rare | 10 |
| one | 8 |
| two | 5 |
| three or more | 4 |

5. Is the plagiarism more often intentional or because of ignorance?

| | |
|---|---|
| intentional | 13 |
| ignorance | 16 |

6. Do you consider a paper plagiarized that a mom, friend, or tutor has helped write?

| | |
|---|---|
| yes | 5 |
| no | 10 |
| depends | 14 |

7. Do you consider a paper that someone buys to be plagiarized?

yes 29

8. How do you handle cases of plagiarism?

| | | |
|---|---|---|
| departmental policy | 14 | |
| ask for rewrite | 9 | |
| handle individually | 6 | (to determine if ignorance or intentional) |

9. How often do yo find cases of plagiarism in undergraduate literature classes?

| | |
|---|---|
| none | 1 |
| rarely | 10 |
| one | 4 |
| two | 2 |
| three or more | 6 |
| no answer | 6 |

10. How often do you find cases of plagiarism in graduate classes?

| | |
|---|---|
| none | 3 |
| rarely | 5 |
| one | 3 |
| no answer | 18 |

11. How do you define plagiarism at the professional level?

| | | |
|---|---|---|
| same as for undergraduates | 26 | 90% |
| no answer | 3 | 10% |
| all fiction writers/poets "steal" | 2 | |

12. If a colleague uses some else's handouts, notes, etc. without citation, is this plagiarism?

| | | |
|---|---|---|
| yes | 15 | (52%) |
| no | 5 | 48% |
| depends | 8 | (in class it is okay, for publication it is wrong) |
| no answer | 1 | |

13. If an administrator uses someone else's research or information without citation, is that plagiarism?

| | | |
|---|---|---|
| yes | 26 | (97%) |
| depends | 2 | (on whether for publication) |
| no answer | 1 | (3%) |

14. If a speaker uses someone else's research or information without reference, is that plagiarism?

| | | |
|---|---|---|
| | | (3%) |
| yes | 24 | |
| no | 1 | 17% |
| depends | 4 | (on context and if money had changed hands) |
| | | (on extent and nature of material and if payment had been made) |
| | | (on type of information) |